

CITY COUNCIL SAFETY COMMITTEE REMARKS – May 8, 2019

Good morning. I am Stephanie Scalise, the vice-chair of the Civilians Police Review Board. Our chair, Roslyn Quarto, could not be here today due to an unexpected personal matter. She asked me to express her regrets that she is not able to join us today and has also asked me to read to you the following remarks that she had prepared in advance.

This is my third year serving on the CPRB and my first year serving as its Chair. As a direct result of the Consent Decree, in the time I've served on the board, much has changed at both the CPRB and OPS, and much has changed, for the better, with the relationship between OPS and the Board.

Today, the board is comprised of four women and four men, ranging in age from early 20s to early 70s, four African Americans and five Caucasians. Four of us are lawyers, one is a retired engineer, another is a retired teacher and others have worked in the banking and insurance industries. We all live in different parts of Cleveland. I believe that the diversity of our current board composition contributes to more informative discussions that permit all of us to challenge our own lived experiences, assumptions and belief systems to come to well-reasoned decisions based on the evidence provided to us.

In 2018 the CPRB decided 221 misconduct complaints resulting in disciplinary recommendations against 50 officers, along with 8 recommendations for policy changes and 3 commendations. We currently meet once a month for our public hearing at City Hall. Our hearings were moved from the OPS conference room to City Hall due to growing safety concerns from the CPRB. Only a small portion of complainants actually attend hearings, but when they do, emotions are often escalated, and as Chair, I feel that one of my top priorities, if not my top priority, is to ensure that regardless of the eventual case outcome, when Complainant's leave, they should feel that they've been heard.

Approximately 10 days prior to each hearing date we are provided with the investigation files for the upcoming hearing from OPS. Every file contains the original complaint and other supporting evidence, including, where applicable, wcs video footage, relevant policies and GPOs, videos of police and witness testimony, etc. And finally, every investigative file contains a Report of Investigation prepared by individual OPS Investigators, with his or her factual findings and recommendations. At the hearing each case is presented by the individual investigator. I then invite the complainant and any witnesses to speak briefly (limited usually to 3-4 minutes). The board is then given an opportunity to question the investigator and/or the complainant, ask

the Board's counsel any legal questions we may have, and then we vote on recommendations to the Chief. If we sustain charges we also recommend a level of discipline to the Chief.

Perhaps the most frustrating part of serving on the CPRB is the rate at which the Chief disagrees with our recommendations, often without well-reasoned findings, including the level of discipline, if any, he chooses to mete out...especially considering that we generally sustain only a small percentage of the cases presented to us. Historically, the board would only appeal what we viewed as the most egregious departures from our recommendations. More recently, the Board has committed itself to appealing in every instance where we continue to feel strongly that our decisions and recommendations were appropriate and supported by the evidence, and nonetheless, ignored by the Chief. Because of the short timelines approved by the Court, we understand that this puts a great burden on the Director. Nonetheless, the board remains cognizant of our duty to help restore community trust in the CPD, the CPRB and OPS.

Over the course of the last two years we have been receiving regular trainings from CPD personnel, on topics ranging from how Tazers work to definitions of excessive force, reviews of search and seizure case law, as well as explanations of bias policing. I personally believe the board still struggles

with how to identify instances of biased policing and could benefit from additional training in that area.

Additionally, we seem to have a very different perception than the Chief about what constitutes “lack of service” to the public. Despite repeated requests for the Chief to attend our public meetings on a quarterly basis to discuss our concerns, we’ve had only one meeting with the Chief since I joined the board. The board continues to believe that a regularly scheduled meeting with the Chief, either in our outside of our hearings, would go a long way in improving the relationship between the board and the CPD, and also in rebuilding public confidence in the CPD.

Also, technology improvements, like access to WCS video footage and investigator’s ability to identify key audio and video evidence for us, has improved our efficiencies. The addition of Board Secretary LeeAnn Hanlon, have helped focus us more on our work reviewing cases as she has greatly eased the amount of administrative work that fell on us in the past.

It is important to understand how much work goes into serving on the CPRB. I estimate that it takes between 3 and 6 hours to review each investigative file to prepare for our hearing day. On average we must review 20 investigations (not including the Hillard Heintze cases). Since the year began, in addition to the regular 20 – 25 cases we must prepare for our

hearings, we are also provided up to an additional 25 Reports of Investigations from Hillard Heintze to review. While these files take less time to prepare, it does add to the time burden. Board members are asked to provide me with advance notice of any case recommendations they disagree with or want more information about, and if there are none, we vote to accept all Hillard Hentze recommendations as a group. So far this year, we have completed 73 cases which were investigated by Hilliard Heintze.

Overall, since Roger Smith was named Administrator of OPS, the working relationship between the CPRB and OPS has greatly improved. I can speak for myself by saying that as someone who has been Chair while also working a full-time job, I feel better supported by OPS, and that overall, the board's decisions, suggestions and recommendations are treated with respect and with appropriate follow-up by OPS. Mr. Smith and his team have worked together to better streamline their Reports of Investigations, their case presentations at hearings and their post hearing follow-ups to any questions that may have arisen during the hearings. We see major improvements across the board, which will continue to build trust with us, with the investigators, and hopefully, with the public.

Finally, the 2018 CPRB budget was \$164,050. As Chair, I remain concerned, that almost without exception, new board members are not

adequately educated about the time commitment that comes along with accepting an appointment to the CPRB. To be candid, given that it takes much more than just attending the monthly meeting, members are not fairly compensated for those time demands. Further, many new board members have had to upgrade their personal technology to even have appropriate access to the investigative files and email. This should be addressed sooner than later to ensure that once trained, board members remain engaged.

In summary, change is never easy. Just in the short time that I've served on the board, we have six new board members, a new chair, new counsel, a new Administrator, a new secretary, new investigators and countless new policies and procedures. Despite all that change, or I suppose, because of all of that change, I think that 2018 has shown that we are better trained, have better processes in place, have more candid discussions about the evidence and reach more well-reasoned decisions than in the history of the CPRB. It is the board's greatest hope that through our civilian oversight we are carrying out our duties in such a way as to help restore public trust and confidence in the CPD and in us as a board.

Thank you for the opportunity to address the Safety Committee of the City Council today.